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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,099	03/22/2006	Laisheng Liu	1124970-0018	8927

7470 7590 04/28/2010  
WHITE & CASE LLP  
PATENT DEPARTMENT  
1155 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036

EXAMINER
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EASTWOOD, DAVID C

ART UNIT	PAPER NUMBER
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3731

MAIL DATE	DELIVERY MODE
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04/28/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/573,099	<b>Applicant(s)</b> LIU, LAISHENG	
	<b>Examiner</b> David Eastwood	<b>Art Unit</b> 3731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

Receipt is acknowledged of applicant's amendment filed 3/01/2010. Claims 4 has been canceled without prejudice. Claims 1-3 and 5-6 are pending and an action on the merits is as follows.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Yiu (US 5976157).

Regarding Clams 1, Yiu discloses an electrical depilator, comprising substantially a main body (11) a motor (216), a reduction gear set (204), an arcuate shaft (214) and a depilating head (14), the depilating head consisting essentially of a set of single-pieces (500) (C4 L6-10), said arcuate shaft being supported on a shaft seat (201) of the main body (11), a first stage gear of said reduction gear set being meshed with a driving wheel of said motor (203,204), a last stage gear being fixed on the single-piece which is located at the endmost position (208), each single-piece having at least one arm (arm consists of elements 401, 306 and 305 see figure 4, 5 and below where the elements between the solid lines are interpreted as an arm), each arm having a clipping surface

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(212) and a supporting portion (306) provided on each arm at a surface of the arm opposite to the clipping surface (212) (note in the exploded view of element 500 fig. 3 element 306 is substantially diametrically opposite of clipping surface 212), the whole set of single-pieces being arranged in such a manner that the clipping surfaces are directly opposite to each other (Figure 2 note positions of items 212) a clipping gap being formed between opposite surfaces of the arms of two single-pieces (note gaps between clipping arms when rotated such that the clipping ends of the arms are facing the proximal end of the device depicted in figure 2), said whole set of single-pieces being coupled together by fixing members so as to rotate synchronously (Column 4 lines 1-5), and said whole set of single-pieces being fitted over the arcuate shaft all together without additional elements inserted between any of the single pieces in the set (Figure 2).

Regarding claim 2, Yiu discloses the fixing members are shifting yokes (303) which are formed on both sides of each single-piece, and one shifting yoke on a single-piece is inserted into and locked with another shifting yoke on an adjacent single-piece so that the whole set of single-pieces are coupled together and rotated synchronously (Column 4 lines 1-5),

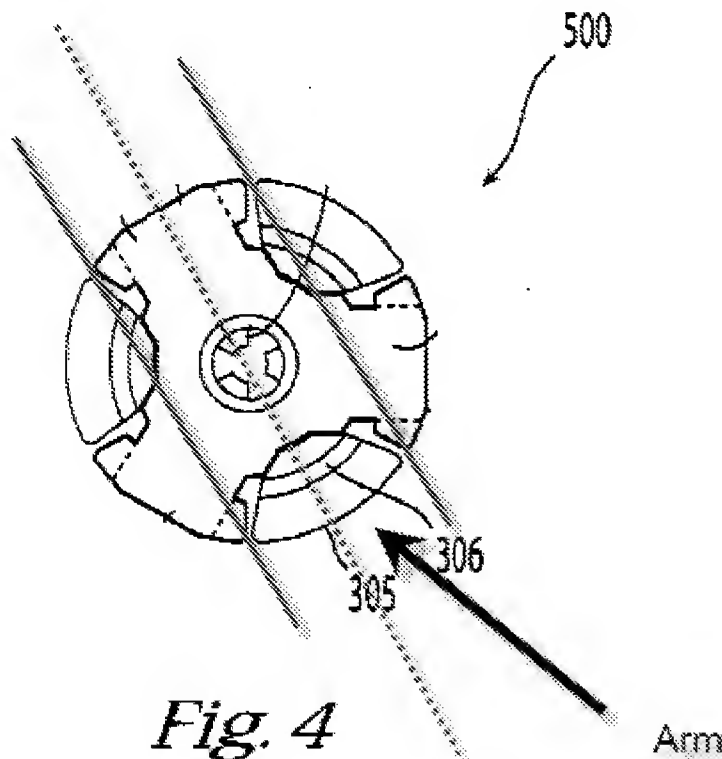
Regarding claim 3, Yiu discloses the fixing members are fork bodies (303) which are provided with shaft holes (aperture at the center of element 500) at centers thereof corresponding to the position of the arcuate shaft, each single-piece is provided at both sides with fork shaped slots area of open space between elements 303), and both sides of each fork body are inserted into and locked with two fork shaped slots of two adjacent

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single-pieces, thereby the whole set of single-pieces are coupled together and rotated synchronously (Figure 5 and 2) (Column 4 lines 1-5),

Regarding claim 5, Yiu discloses the fixing members are bearing housings (210,209), and the whole set of single-pieces are coupled together by the bearing housings so as to rotate synchronously (Column 3 lines 23-29),

Regarding claim 6, Yiu discloses the fixing members are shaft pins (303), and the whole set of single-pieces are coupled together by the shaft pins so as to rotate synchronously (Column 4 lines 1-5).



### ***Response to Arguments***

Applicant's arguments filed 10/20/2009 have been fully considered but they are not persuasive. In response to Applicant's arguments that Yiu does not include certain features of Applicant's invention, the limitations on which the Applicant relies (i.e. arms having both clipping surfaces and pinching portions) are not stated in the claims. Therefore, it is irrelevant whether the reference includes those features or not.

Applicant goes on to argue in section B1 and B2 possible interpretations the examiner made mention of during the interview held on 2/17/2009 since these interpretations have not been applied in a rejection of the claims the aforementioned arguments are irrelevant.

In regards to applicants arguments directed to the newly submitted limitations in amended claim 1, the Examiner notes that this argument is addressed by a new ground of rejection as set forth above.

### ***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Eastwood whose telephone number is (571)270-7135. The examiner can normally be reached on Monday thru Friday 9 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan Nguyen can be reached on (571)272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. E./  
Examiner, Art Unit 3731  
4/22/2010

/Gary Jackson/  
Supervisory Patent Trainer  
TC 3700  
April 25, 2010

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